Docket No. JBP-0576

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John Kung et al

Serial No.: 10/020,623

Art Unit: 1617

Filed

: December 7, 2001 Examiner: S. J. Sharareh

For

: COMPOSITION TO ENHANCE PERMEATION OF TOPICAL SKIN

**AGENTS** 

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Andrea L. Colby

(Name of applicant, assignee, or Registered Representative)

Commissioner for Patents P.O. Box 1450 Washington, D.C. 20231

### FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on March 3, 2003.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the aboveidentified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with §1.97(b), since this Information
Disclosure Statement is being filed either within three months .
of the filing date of the above-identified national application
(other than a continued prosecution application under
§1.53(d)), within three months of the date of entry into the
national stage of the above identified application as set forth
in §1.491, or before the mailing date of a first Office Action
on the merits of the above-identified application, or before
the mailing date of a first Office Action after the filing of a
request for continued examination under §1.114, no additional
fee is required.
☐ In accordance with §1.129(a), this Information
Disclosure Statement is being filed in connection with $\Box$ the
first or  Second After Final Submission, therefore:
Statement in Accordance with §1.97(e)
(attached); or
Please charge Deposit Account No. 10-
0750/ / the fee of \$180.00 as set forth
in §1.17(p).

In accordance with §1.97(c), this Information
Disclosure Statement is being filed after the period set forth
in §1.97(b) above but before the mailing date of either a Final
Action under §1.113 or a Notice of Allowance under §1.311, or
an action that otherwise closes prosecution and that it is
accompanied by one of:

(attached); or   Please charge Deposit Account No. 10- 0750/ / the fee of \$180.00 as set forth in \$1.17(p).   In accordance with \$1.97(d), this Information   Disclosure Statement is being filed after the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311 but before the payment of the Issue Fee.   Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with \$1.97(e) as set forth below and the fee of \$180.00 as set forth in \$1.17(p).   Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.   Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:   In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.   If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.   Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a) (2) (The U.S. patents and each U.S. patent application	
O750/ / the fee of \$180.00 as set forth in \$1.17(p).  In accordance with \$1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with \$1.97(e) as set forth below and the fee of \$180.00 as set forth in \$1.17(p).  Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.  Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:  In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.  If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.  Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98	(attached); or
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(a) (2). (The o.b. pacenes and each o.b. pacene application	(a)(2). (The U.S. patents and each U.S. patent application
publication listed on the attached Form PTO-1449 are not	
enclosed because this U.S. patent application was filed after	
June 30, 2003 or this international application has entered the	

national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i).

There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows: EP 1145710 English language equivalents are US 2003/0176366 and US 2002/0042380

Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed .

Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

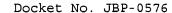
Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/JBP-576/ALC. This form is submitted in triplicate.

Respectfully submitted,

Andrea L. Colby Reg. No. 30,194

Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2792
DATED: Jamay 6, 2004





Applicants : John Kung et al

Serial No. : 10/020,623

Art Unit: 1617

Filed

: December 7, 2001

Examiner: S. J. Sharareh

For

: COMPOSITION TO ENHANCE PERMEATION OF TOPICAL SKIN

AGENTS

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(Date of Deposit)

Andrea L. Colby

(Name of applicant, assignee, or Registered Representative)

(Signature)

(Date of Signature)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## STATEMENT UNDER 37 C.F.R. §1.97(e)

In accordance with 37 C.F.R.  $\S 1.97(e)$ , certification is hereby made that:

Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or

	No	item	of	ini	format	ion	C	ontained	in	the	Info	ort	mation	
Disclosure	Sta	temer	ıt v	vas	cited	in	а	communic	ati	on	from	а	forei	ar.

patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Andrea L. Colby

Reg. No. 30,194

Attorney for Applicants

Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (732) 524-2792

DATED: Jamay 6, 2004



PTO/SB/08A (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)
Sheet 1 of 1

a collection of information diffess it displays a valid Civib control number.						
Application Number	10/020,623					
Filing Date	December 7, 2001					
First Named Inventor	John Kung					
Group Art Unit	1617					
Examiner Name	S. J. Sharareh					
Attorney Docket Number	JBP-0576					

				U.S. PATENT DOCUMENTS			
Examiner Cite		U.S. Patent Docu	ment Kind Code <sup>2</sup>	Name of Patentee or Applicant	Date of Publication of Cited Document	Pages, Columns, Lines, where relevant passages	
Initials	No.1	Number	(if known)	of Cited Document	mm-dd-yyyy	or relevant figures appear	
		3,097,947		Kemmerer	07-16-1963		
		5,965,750		Oonishi et al	10-12-1999		
		2002/0042380	A1	Castiel et al	04-11-2002		
		2003/0176366	A1	Castiel et al	09-18-2003		

### FOREIGN PATENT DOCUMENTS Foreign Patent Document Date of Publication Pages, Columns, Lines, of Cited Document where relevant Name of Patentee or passages or relevant Examiner Cite mm-dd-yyyy T<sup>6</sup> Applicant of Cited Document figures appear Initials KindCode<sup>5</sup> Office<sup>3</sup> Number⁴ 0 998 914 05-10-2000 EP Johnson & Johnson 1 072 259 A2 01-31-2001 ΕP Shiseido Company Limited ΕP 1 166 763 01-02-2002 Α1 Johnson & Johnson Ν EΡ 1 145 710 Α1 L'oreal 10-17-2001 FΡ 1 352 637 Shiseido Company Limited 10-15-2003 A1

Examiner	Date	
Signature	 Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

<sup>1</sup> Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.



# SUBMISSION UNDER MPEP 609 D

Page 1 of 1

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1	Application Number	10/020,623
	Filing Date	December 7, 2001
	First Named Inventor	John Kung
	Group Art Unit	1617
	Examiner Name	S. J. Sharareh
	Attorney Docket Number	JBP-0576

			U.S. Patent Docum	ent	
Examiner Initials	Cite No.1	Name of Patentee or Applicant of Cited Document	Number	Kind Code <sup>2</sup> (if known)	Pages, Columns, Lines, where relevant passages or relevant figures appear
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		OTHER PRIOR ART - N	ON PATENT	   LITERATURE	DOCUMEN	its .	
Examiner 's Initials*	Cite No.1	Include name of the author (in Countitle of the item (book, magazine volume-issue number(s	, journal, se	erial, symposi	ium, catalo	g, etc.), date, page(s),	T²
		EP Search Report dated November 7, 2	2003 for com	esponding EP a	pplication 0	1308343.1	
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